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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| EXAMINER | |
|---|---|
| SHIFERAW, ELENI A | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2136 | |

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/829,723 | GADDIS, M. NORTON | |
| | Examiner | Art Unit | |
| | Eleni A Shiferaw | 2136 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on *20010410*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-3* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892) ✓
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *04102001*. ✓
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

1. Claims 1-3 are presented for examination.

### *Specification*

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(f) BRIEF SUMMARY OF THE INVENTION.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashima et al. (Kashima, U.S. Patent No.: 6,118,872) in view of Gray (U.S. Patent No.: 6,268,788 B1).

5. As per claim 1, Kashima teaches a method for creating unique image passwords utilizing with a universal computer system, a separate keypad in conjunction secure and gain access computer system comprised computer having a memory means, non-volatile memory storage, keyboard removable storage means, keypad with removable storage means and memory means, software for creating graphical images, and said system having a monitor capable of displaying graphics, said method comprised of the steps

a. Installing a computer residing program for controlling access to the computer so as to allow (Kashima Fig. 1 No. 18, Col. 6 lines 6-15) the computer be disabled or enabled in response a directive (Kashima col. 10 lines 32-40, col. 2 lines 26-33);

b. Creating the computer password digitized image utilizing the computer graphics program (Kashima Col. 2 lines 40-48);

d. Assigning the respective image password to a key on the keypad (Kashima Col. 2 lines 49-67; an input device, that reads on keypad, is used to allow an access when positions of input points on the image and a sequence of the positions subsequently specified (password is assigned to a key));

e. Storing the said computer digitized image on keypad removable storage means (Kashima Col. 11 lines 18-29);

g. Inputting the numeric unique sequence code through the keypad (Kashima Col. 11 lines 43-62; mouse is used to input the number of digits of image passwords (keypads and mouse are input devices they both input numeric unique password)) and;

h. Reading the image on the computer storage means and comparing the image stored for a match (Kashima Col. 6 lines 16-33), and comparing the unique numeric password with the stored numeric sequence associated with the respective graphic image (Kashima Col. 9 lines 19-57), and granting access the computer match is determined ((Kashima Col. 6 lines 16-33);

Kashima does not explicitly teach:

c. Storing said computer password digitized image in the keypad memory means;

f. Inserting the keypad removable storage means when desired to operate the computer and;

h. Reading the image on the keypad removable storage means;

However Gray teaches:

c. Storing said computer password digitized image in the keypad memory means (Gray Col. 13 lines 26-39; unique identification fingerprint stored in the card reader (Fig. 10 No. 38); card reader stores image password (fingerprint) and image password (fingerprint) also is stored in the smart card to perform authentication and allow access to the computer therefore it is obvious to have a keypad that stores an image password and compare the it with image password stored in the removable device to allow access to a computer;

f. Inserting the keypad removable storage means (Gray Col. 1 lines 38-46, Fig. 11 No. 34 and No. 20) when desired to operate the computer (Gray Fig. 13B No. 540) and; inserting smart card removable storage means when desired to operate the computer);

h. Reading the image on the keypad removable storage means (Gray Col. 13 lines 26-39; the card reader reads the image on the card reader removable storage means);

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teachings of Gray with in the system of Kashima because it would allow to control access to a computer program by verifying data (biometric fingerprint (Gray Col. 13 lines 26-39)) entered through a scanner with data stored on a token such as a card (Gary Abstract). Therefore it is obvious to have a keypad and keypad removable storage medium that performs image password authentication as the card reader and smart card authenticates a user and allows access to a computer.

5.1 As per claim 2 Kashima and Gray teach all the subject matter as described above. In addition Kashima teaches a method for creating unique image passwords utilizing a separate keypad in conjunction with a universal computer system, secure and gain access to a computer system comprised of a computer having CPU, memory means, non-volatile memory storage, keyboard removable storage means, keypad with removable storage means and memory means, software for creating graphical images, and said system having a monitor capable of displaying graphics, said method comprised of the steps of:

a. Installing a computer residing program for controlling access to the computer so as allow the computer to be disabled or enabled in response to a directive (Kashima col. 10 lines 32-40, col. 2 lines 26-33);

b. Creating the computer password digitized image utilizing the computer graphics program (Kashima Col. 2 lines 40-48);

e. Storing said computer digitized image on keypad removable storage means (Kashima Col. 11 lines 18-29);

g. Inputting the numeric unique sequence code through the keypad (Kashima Col. 11 lines 43-62; mouse is used to input the number of digits of image passwords (keypads and mouse are input devices they both input numeric unique password)) and;

h. Reading the image on the keypad removable storage means and comparing the image stored for a match (Kashima Col. 6 lines 16-33), and comparing the unique numeric password with the stored numeric sequence associated with the respective graphic image (Kashima Col. 9 lines 19-57), and granting access to the computer if a match is determined (Kashima Col. 6 lines 16-33);

Gray teaches:

c. Storing said computer password digitized image in the keypad memory means (Gray Col. 13 lines 26-39; unique identification fingerprint stored in the card reader (Fig. 10 No. 38); card reader stores image password (fingerprint) and image password (fingerprint) also is stored in the smart card to perform authentication and allow access to the computer therefore it is obvious to have a keypad that stores an image password and

compare the it with image password stored in the removable device to allow access to a computer;

d. Storing in the keypad memory means a unique numerical sequence code for recalling the digitized image password (Gray Col. 13 lines 26-39, Fig. 6C No. 310; unique image password sequence (fingerprint) is stored in the card reader and compared with the entered password sequence, it is obvious that the sequence stored in the card reader recalls the image password) and;

f. Inserting the keypad removable storage means (Gray Col. 1 lines 38-46, Fig. 11 No. 34 and No. 20) when desired to operate the computer (Gray Fig. 13B No. 540); inserting smart card removable storage means when desired to operate the computer) The rational for combining are the same bases as claim 1 above.

5.2 As per claim 3 Kashima and Gray teach all the subject matter as described above. In addition Kashima teaches a method for creating unique image passwords utilizing a separate keypad in conjunction with a universal computer system, secure and gain access to a computer system comprised of a computer having a memory means, non-volatile memory storage, keyboard removable storage means, keypad with removable storage means and memory means, software creating graphical images, and said system having a monitor comprised of the steps of:

a. Installing capable of displaying graphics, said method computer residing program for controlling access the computer so as to allow the computer to be disabled or enabled response to a directive (Kashima col. 10 lines 32-40, col. 2 lines 26-33);

b. Creating the computer password digitized image utilizing the computer graphics program (Kashima Col. 2 lines 40-48);

c. Storing said computer password digitized image in the Computer memory means (Kashima Col. 10 lines 17-31; col. 9 lines 44-57)

d. Storing in the computer removable storage means the computer digitized image (Kashima Col. 11 lines 18-29), and storing the digitized image on the keypad removable storage means (Kashima Col. 11 lines 18-29);

e. Storing in the computer memory means (Kashima Col. 11 lines 18-62) and;

g. The digitized image (Kashima Col. 2 lines 33-39) stored in the computer memory means with digitized images on the keypad removable storage means and computer removable storage means (Kashima col. 10 lines 17-39) for a match (Kashima Col. 6 lines 16-33), and if a match is obtained, comparing the unique numeric password entered keypad (mouse) to determine if a match exists for the respective computer digitized password just matched (Kashima Col. 9 lines 19-24), and granting access to the computer if a match is determined (Kashima Fig. 4 No. $11);

Gray teaches:

c. Storing said computer password digitized image in the keypad memory means (Gray Col. 13 lines 26-39);

e. Storing in the keypad memory means a numerical Sequence Code recalling the digitized image password (Gray Col. 13 lines 26-39, Fig. 6C No. 310; unique image password sequence (fingerprint) is stored in the card reader and compared with the

entered password sequence, it is obvious that the sequence stored in the card reader recalls the image password) and;

f. Inserting the keypad removable storage means into the keypad (Gray Col. 1 lines 38-46, Fig. 11 No. 34 and No. 20), when desiring to operate the computer (Gray Fig. 13B No. 540); inserting smart card removable storage means when desired to operate the computer), and inserting the removable storage means having thereon the computer digitized image password (Gray Col. 13 lines 26-39), and inputting into the keypad the respective numerical sequence code (Gray Fig. 14B No. 626) associated with the digitized image password (Fig. 14A No. 610) The rational for combining are the same bases as claim 1 above.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A Shiferaw whose telephone number is 703-305-0326. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eleni Shiferaw

Art Unit 2136

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